

### REMARKS

Claims 1-13 are pending in the subject application upon entry of the amendments. 1, 4, 6, and 9 have been amended to disclaim the cited art. Claims 5 and 10 have been amended for consistency with the amendments to claim 1. Although claims 6-13 are withdrawn, rejoinder comments are presented below. Favorable reconsideration in light of the amendments and the remarks which follow is respectfully requested.

#### **Anticipation Rejection I**

Claims 1-5 stand rejected under 35 U.S.C. §102(b) over Karandinos (US 2002/0019507).

In order for anticipation to exist, each and every feature as set forth in the claim must be disclosed in a single cited art document. *Trintec Industries, Inc., v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 U.S.P.Q.2D 1597 (Fed. Cir. 2002). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 1 recites "*a melting temperature  $T_m$  is in the range of 125°C to 180°C and a heat of fusion  $\Delta H$  is at least 1 J/g.*"

Karandinos fails to disclose such features. Karandinos discloses that a polymer or polymer blend has a melting point of from 60 to 120°C; Karandinos, however, fails to disclose that a melting temperature  $T_m$  of an adhesive material is in the range of 125°C to 180°C. See paragraph [0024] of Karandinos. In fact, the highest melting temperature disclosed by Karandinos is 109°C. See Table 3, Sample I of Karandinos. Moreover, Karandinos fails to disclose that the polymer blend of paragraph [0024] contains a polypropylene.

Moreover, Karandinos only discloses that "the heat of fusion of the **random copolymer** should be less than 75 J/g." See paragraph [0210] of Karandinos. Karandinos, however, fails to disclose that a heat of fusion of an **adhesive material containing a polypropylene** is at least 1 J/g.

The claimed adhesive material contains a propylene/olefin copolymer and a polypropylene so that the adhesive material satisfies the requirements (a) and (b), as recited in claim 1. In particular, the claimed adhesive material contains a propylene/olefin copolymer and a polypropylene so that the melting temperature  $T_m$  is

in the range of 125°C to 180°C and the heat of fusion  $\Delta H$  is at least 1 J/g. Adhesive compositions of Karandinos are different from the claimed adhesive material because Karandinos's adhesive compositions do not have the melting temperature and the heat of fusion as recited in claim 1. The differences in composition lead to differences in a melting temperature and a heat of fusion.

In view of the foregoing, Karandinos fails to disclose each and every feature of claim 1. Consequently, Karandinos cannot anticipate claims 1-5. Withdrawal of the rejection is therefore respectfully requested.

### Anticipation Rejection II

Claims 1-3 stand rejected under 35 U.S.C. §102(b) over Butterbach (US 5,521,625).

Claim 1 recites "*an adhesive material comprises a propylene/olefin copolymer having tacticity (hereinafter referred to as PX) obtained by polymerizing 90 to 60 mole % of the propylene component with 10 to 40 mole % of at least one olefin component selected from ethylene and olefins having 4 to 12 carbon atoms, and a polypropylene having tacticity (hereinafter referred to as PY) wherein **when the tacticity of PX is syndiotactic, the tacticity of PY is syndiotactic and when the tacticity of PX is isotactic, the tacticity of PY is isotactic.***"

Butterbach fails to disclose such features. As the Office Action concedes, Butterbach fails to disclose the subject matter of original claim 4 and claim 4 does not stand rejected for anticipation over Butterbach. Claim 1 has been amended to incorporate the subject matter of original claim 4. Consequently, the amendment renders the anticipation rejection moot.

### Anticipation Rejection III

Claims 1-3 and 5 stand rejected under 35 U.S.C. §102(b) over Ogawa (JP 2002-302659).

Claim 1 recites "*an adhesive material comprises a propylene/olefin copolymer having tacticity (hereinafter referred to as PX) obtained by polymerizing 90 to 60 mole % of the propylene component with 10 to 40 mole % of at least one olefin component selected from ethylene and olefins having 4 to 12 carbon atoms, and a polypropylene having tacticity (hereinafter referred to as PY) wherein **when the***

***tacticity of PX is syndiotactic, the tacticity of PY is syndiotactic and when the tacticity of PX is isotactic, the tacticity of PX is isotactic.***

Ogawa fails to disclose such features. As the Office Action concedes, Ogawa fails to disclose the subject matter of original claim 4 and therefore claim 4 does not stand rejected for anticipation over Ogawa. Claim 1 has been amended to incorporate the subject matter of original claim 4. Consequently, the amendment renders the anticipation rejection moot.

The Office Action contends on page 4 that Ogawa "shows the polyolefin having a 'heat of crystal fusion > 1 J/g' at the Abstract."

It is respectfully submitted that the Abstract of Ogawa fails to disclose a polyolefin having a heat of crystal fusion > 1 J/g. In fact, the Abstract states that "the olefin copolymer has **neither** a peak of the heat of crystal fusion of  $\geq 1$  J/g nor a peak of the heat of crystallization of  $\geq 1$  J/g in the differential scanning calorimetry." See Abstract of Ogawa.

For this additional reason, Ogawa cannot anticipate claims 1-3 and 5.

#### **Anticipation Rejection IV**

Claims 1-5 stand rejected under 35 U.S.C. §102(b) over Morisono (JP 2000-191853).

Claim 1 recites "*an adhesive material comprises a propylene/olefin copolymer having tacticity (hereinafter referred to as PX) obtained by polymerizing 90 to 60 mole % of the propylene component with 10 to 40 mole % of at least one olefin component selected from ethylene and olefins having 4 to 12 carbon atoms, and a polypropylene having tacticity (hereinafter referred to as PY) wherein **when the tacticity of PX is syndiotactic, the tacticity of PY is syndiotactic and when the tacticity of PX is isotactic, the tacticity of PY is isotactic.***"

Morisono fails to disclose such features. In particular, Morisono fails to disclose that a propylene/olefin copolymer and a polypropylene have the same tacticity. Morisono mentions a syndiotactic polypropylene; Morisono, however, fails to disclose a combination of a propylene/olefin copolymer and a polypropylene wherein when the tacticity of the propylene/olefin copolymer is syndiotactic, the tacticity of the polypropylene is syndiotactic and when the tacticity of the propylene/olefin copolymer is isotactic, the tacticity of the polypropylene is isotactic.

In view of the foregoing, Morisono fails to disclose each and every feature of claim 1. Consequently, Morisono cannot anticipate claims 1-5. Withdrawal of the rejection is therefore respectfully requested.

**Rejoinder**

During prosecution, the claims were subjected to the following restriction requirement:

- Group 1: Claims 1-5, drawn to an adhesive material;
- Group 2: Claims 6-12, drawn to an adhesive film; and
- Group 3: Claim 13, drawn to a method of using an adhesive film.

MPEP 821.04(a) specifies that, where product claims are presented in the same application, and elected product claims are found allowable, any restriction requirement between the elected product claims and any nonelected product claims that depends from or otherwise requires all the features of an allowable claim should be withdrawn. MPEP 821.04(a) specifies that, where product and process claims are presented in the same application, and if product claims are elected in a Restriction Requirement, after a product claim is found allowable, withdrawn process claims which depend from or include all the features of the allowable product claim will be rejoined.

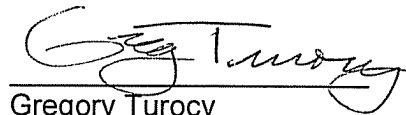
Claim 6 has been amended to recite all the features of claim 1 and claim 13 depends upon claim 1. Per MPEP 821.04, in the event that the elected claims are deemed allowable, rejoinder of unelected product claims 6-12 and method claim 13 is respectfully requested.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

**Turocy & Watson, LLP**

A handwritten signature in black ink, appearing to read "Greg Turocy", written over a horizontal line.

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